

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
March 11, 2008**

A regular session of the Winchester Common Council was held on Tuesday, March 11, 2008 in the Council Chambers, Rouss City Hall. President Charles Gaynor called the meeting to order at 7:30 p.m.

PRESENT: President Gaynor, Mayor Minor, Vice-Mayor Buettner, and Councilors Butler, Clark, Coyne, Helm, Major, Masters, and Nelson. (10)

ABSENT: Vice President Griffin. (1)

INVOCATION – Reverend Rich Reifsnnyder, First Presbyterian Church, pronounced the invocation.

PLEDGE OF ALLEGIANCE – Mayor Minor led councilors and citizens in the Pledge of Allegiance.

APPROVAL OF MINUTES – Councilor Coyne moved that the minutes of the February 12, 2008 Regular Meeting be approved as presented. *The motion was seconded by Councilor Helm and unanimously approved by voice-vote.*

REPORT OF PRESIDENT

- Motion to approve a resolution honoring Lary Banks.

Councilor Clark moved to approve the resolution honoring Mr. Banks for his bravery as a firefighter and for saving the life of a four year old boy from a fire on February 6, 2008. *The motion was seconded by Councilor Helm then unanimously approved by voice-vote.*

Mayor Minor and Councilor Butler presented the resolution to Mr. Banks.

- Motion to approve a resolution honoring W. Mike Ambrose.

Chairman Gaynor moved to approve the resolution honoring Mr. Ambrose's service as a city employee. The motion was seconded by Councilor Helm then unanimously approved by voice-vote.

Councilor Helm presented the resolution to Mike Ambrose.

- Public Hearing: AN ORDINANCE TO CONDITIONALLY REZONE 0.5107 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT TO CENTRAL BUSINESS, B-1 DISTRICT AT 402 NORTH CAMERON STREET (Section 173, Double Circle 1, Block W, Lot 3) AND 130 BAKER

STREET (Section 173, Double Circle 1, Block W, Lots 1 and 2), ZONED COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. RZ-07-13

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:40 p.m.

- Public Hearing: AN ORDINANCE TO AMEND ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ACCESSORY USES AND STRUCTURES. TA-07-08

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:40 p.m.

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 31-67 OF THE WINCHESTER CITY CODE CONCERNING APPEALS FROM THE REFUSAL OF THE CHIEF OF POLICE TO ISSUE A TAXICAB PERMIT.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:41 p.m.

- Public Hearing: Request of David McLaughlin for a Conditional Use Permit for a Bed & Breakfast Inn at 616-618 South Loudoun Street (Section 213, Double Circle 1, Block B, Lots 6 and 7) zoned Residential Business, RB-1 District with Historic Winchester, HW District overlay. CU-08-01

David McLaughlin, owner of the property, stated if this passes, he will also be the inn keeper. He believes this kind of inn would be good for Winchester. It would be Winchester's only early style inn. The people in the neighborhood seem to be excited about it and he hopes the City of Winchester is too.

With no other citizens to speak, the President declared the public hearing closed at 7:42 p.m.

- Public Hearing: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 31-72 OF THE WINCHESTER CITY CODE PERTAINING TO REVOCATION OR SUSPENSION OF TAXICAB PERMITS.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:43 p.m.

- Public Hearing: Request of Napoli's Delicatessen for a Conditional Use Permit for a Neighborhood Convenience Establishment at 1206-1210 Valley Avenue (Section 212, Double Circle 1, Block O, Lot 2) zoned Limited High Density Residential, HR-1 District. CU-08-02

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:43 p.m.

- Proposed DEQ Public Hearing for O'Sullivan Films Air Permit.

City Manager Brannon Godfrey presented the background information and data on O'Sullivan Films and stated he recommends Council request a DEQ public hearing.

Councilor Coyne moved to request the public hearing on O'Sullivan Film's request for increasing their release of particles. *The motion was seconded by Councilor Butler then unanimously approved by voice-vote.*

FINANCE AND ADMINISTRATION

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ENACT SECTION 27-10 OF THE WINCHESTER CITY CODE BY CHANGING THE TAX RATE ON REAL PROPERTY FROM SIXTY-FIVE CENTS (\$0.65) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE TO SEVENTY CENTS (\$0.70) FOR EVERY ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUE THEREFORE.
- Motion to continue the Ozone Action Coordinator position including contract with JMU at current level until 2012. (Following previous cost-sharing of this contract, the City and County would split the cost equally, resulting in each entity providing \$39,925.00.)

Vice-Mayor Buettner stated he will be voting against the motion because data has not been presented that shows any improvements by this position.

The motion was seconded by Councilor Helm then approved with a 9-1 vote. Vice-Mayor Buettner voted in the negative.

- Motion to allocate \$29,343.00 to RPJ Housing for additional home repairs requiring professional services.

The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

- Appointment of Members to Police Chief Interview Panel.

President Gaynor asked everyone to please forward their nominations to Brannon Godfrey. The interviews for the position have been scheduled for April 11, 2008.

PLANNING AND DEVELOPMENT

Vice-chairman Nelson presented the following:

- Second Reading, by title, for adoption: AN ORDINANCE TO CONDITIONALLY REZONE 0.5107 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT TO CENTRAL BUSINESS, B-1 DISTRICT AT 402 NORTH CAMERON STREET (Section 173, Double Circle 1, Block W, Lot 3) AND 130 BAKER STREET (Section 173, Double Circle 1, Block W, Lots 1 and 2), ZONED COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. RZ-07-13

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Absent
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ACCESSORY USES AND STRUCTURES. TA-07-08

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Absent
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- First Reading: AN ORDINANCE TO CONVENTIONALLY REZONE APPROXIMATELY 2.00 ACRES OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 2609 PAPERMILL ROAD (Section 291, Double Circle 1, Lot 9), ZONED INTENSIVE INDUSTRIAL, M-2 DISTRICT. The Comprehensive Plan calls for light industrial use. RZ-07-14
- First Reading: AN ORDINANCE TO CONDITIONALLY REZONE 0.203 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT TO CENTRAL BUSINESS, B-1 DISTRICT AT 419 NORTH CAMERON STREET (Section 173, Double Circle 1, Block L, Lot 10A) AND 21 CLARK STREET (Section 173, Double Circle 1, Block L, Lot 8), ZONED COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. The Comprehensive Plan calls for light industrial use. B-1 zoning permits densities ranging from 30-68 units per acre. RZ-08-01
- First Reading: AN ORDINANCE TO CONDITIONALLY REZONE 0.6069 ACRES OF LAND FROM MEDIUM DENSITY RESIDENTIAL, MR DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 630 SNYDER LANE (Section 329, Double Circle 1, Lot 14), ZONED MEDIUM DENSITY RESIDENTIAL, MR DISTRICT. The Comprehensive Plan calls for low density residential use with commercial use immediately to the East. RZ-08-02
- First Reading: AN ORDINANCE TO VACATE AND CONVEY TO FREDERICK COUNTY SCHOOLS THE EXCESS RIGHT OF WAY AT THE TWO DRIVEWAY ENTRANCES TO JAMES WOOD MIDDLE SCHOOL AT 1313 AMHERST ST SV-08-01
- First Reading - AN ORDINANCE TO ADOPT ARTICLE 11.1 OF THE WINCHESTER CITY CODE PERTAINING TO GRAFFITI ABATEMENT
- Motion to approve request of Winchester Medical Center for a one-year extension of Temporary Permit #07-08 at 1840 Amherst St TP-08-02

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Motion to approve request of David McLaughlin for a Conditional Use Permit for a Bed & Breakfast Inn at 616-618 South Loudoun Street (Section 213, Double Circle 1, Block B, Lots 6 and 7) zoned Residential Business, RB-1 District with Historic Winchester, HW District overlay. CU-08-01

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to approve request of Napoli's Delicatessen for a Conditional Use Permit for a Neighborhood Convenience Establishment at 1206-1210 Valley Avenue

(Section 212, Double Circle 1, Block O, Lot 2) zoned Limited High Density Residential, HR-1 District. CU-08-02

The motion was seconded by Councilor Masters then unanimously approved by voice-vote.

- Motion to re-appoint Cathy Shore and Patrick Farris as members of the Board of Architectural Review for a four year term expiring April 30, 2012.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

PUBLIC SERVICES

Chairman Helm presented the following:

- First Reading, by title: AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-11 AND 29-13 OF THE WINCHESTER CITY CODE PERTAINING TO AN INCREASE IN WATER AND SEWER RATES
- Motion to approve a resolution to close the center median on Pleasant Valley between Jubal Early and Featherbed.

Councilor Helm requested this and the next item be tabled for further discussion. *Vice-Mayor Buettner, seconded by Councilor Coyne, moved to table both resolutions. The motion passed unanimously by voice-vote.*

- Motion to approve resolution to remove the traffic signal at the intersection of Berryville Avenue/Atwell Street.
- Motion to approve resolution to support the application of \$1 million of Revenue Sharing Funds from the Virginia Department of Transportation.

The motion was seconded by Mayor Minor then unanimously approved by voice-vote.

- Motion to appoint Mary Stickley to the Tree Commission.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Announce the term expiration of Gregory Crawford as a member of the Winchester Parking Authority expiring May 31, 2008, and direct the Clerk of Council to advertise the vacancy. Mr. Crawford is not eligible for re-appointment.

PUBLIC SAFETY

Chairman Butler presented the following report:

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 31-67 OF THE WINCHESTER CITY CODE CONCERNING APPEALS FROM THE REFUSAL OF THE CHIEF OF POLICE TO ISSUE A TAXICAB PERMIT.

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Absent
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Second Reading, by title, for adoption: AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 31-72 OF THE WINCHESTER CITY CODE PERTAINING TO REVOCATION OR SUSPENSION OF TAXICAB PERMITS.

The motion was adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Vice-Mayor Buettner	Aye
Councilor Butler	Aye
Councilor Clark	Aye
Councilor Coyne	Aye
Vice-President Griffin	Absent
Councilor Helm	Aye
Councilor Major	Aye
Councilor Masters	Aye
Mayor Minor	Aye
Councilor Nelson	Aye
President Gaynor	Aye

- Motion to approve the Frederick County and the City of Winchester Mutual Firefighting and Emergency Medical Services Agreement.

The motion was seconded by Mayor Minor then unanimously approve by voice-vote.

- Motion to appoint Craig Smith as an alternate member of the Regional Jail Board for a four year term expiring October 31, 2012.

The motion was seconded by Councilor Nelson then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Gary DuBrueler as a member of the Local Emergency Planning Committee.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

HEALTH, EDUCATION AND WELFARE

Chairman Coyne presented the following:

- Motion to appoint Fran Orr as a member of the Social Services Advisory Board for an expired four year term ending March 31, 2009.

The motion was seconded by Councilor Butler then unanimously approved by voice-vote.

- Motion to appoint Donald K. Price as a member of the Northern Shenandoah Valley Disability Services Board for an unexpired three year term ending March 31, 2009.

The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

- Motion to appoint Krista Farris as a member of the Parks and Recreation Advisory Board for an unexpired three year term ending April 30, 2008.

The motion was seconded by Councilor Helm then unanimously approved by voice-vote.

- Motion to appoint Michael L. Haymaker as a member of the Northwestern Community Services Board for an unexpired three year term ending December 31, 2009.

The motion was seconded by Councilor Masters then unanimously approved by voice-vote.

- Announce the resignation of John Borg as a member of the College Board of Lord Fairfax Community College effective November 8, 2007 and direct the Clerk of Council to advertise the vacancy.
- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for John Borg as a member of the College Board of Lord Fairfax Community College.

The motion was seconded by Councilor Major then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Angela Jones as a member of the Northwestern Community Services Board.

The motion was seconded by Councilor Clark then unanimously approved by voice-vote.

- Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Darlene Duncan as a member of the Parks and Recreation Board.

The motion was seconded by Councilor Masters then unanimously approved by voice-vote.

NEW BUSINESS

Mayor Minor read a proclamation honoring George Washington's First Visit to Winchester on March 16, 1748.

Mayor Minor presented the data from the city's recycling efforts. She stated the recycling efforts by the citizens of Winchester have saved \$120,160.00 of taxpayer's money. We have had a positive impact by saving landfill space, trees, natural resources, gasoline, and electricity. We have also reduced the greenhouse gases, air emissions, and waterborne waste.

Mayor Minor announced the Unification Committee will present their findings at a joint meeting on April 3rd at 5:00 p.m. The meeting is tentatively scheduled in Courtroom 3-D in the Judicial Center.

President Gaynor addressed the parents of students who attend John Handley High School. He stated he was able to witness first-hand the professionalism and dedication of our emergency departments during the incident at John Handley High School. Some people have said the incident was handled too seriously but he thinks the school officials and the city officials made exactly the right call. The safety of the students was foremost in everyone's mind. He is extremely proud of the professional way the whole issue was handled, a no-nonsense approach to no-nonsense business. He commended everyone involved.

President Gaynor stated there are several conflicts with the date of the work session this month. After a discussion, it was decided the work session would be held on Thursday, March 27th at 6:00 p.m. in Council Chambers.

ADJOURNMENT – With no further business to discuss, Mayor Minor moved that the meeting adjourn at 8:23 p.m. *The motion was seconded by Councilor Major then unanimously approved by a voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council